

**RAILROAD AND RAILROAD CROSSING  
AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code and the Railroad Code by amending provisions relating to railroads and railroad crossings.

**Highlighted Provisions:**

This bill:

- ▶ prohibits an operator of a motor vehicle from making a U-turn or turning the vehicle to proceed in the opposite direction on a railroad crossing;
- ▶ prohibits a pedestrian from entering or remaining within the area between a railroad track and a railroad sign or signal while the railroad sign or signal is active at the railroad train crossing;
- ▶ provides that a person is guilty of a class B misdemeanor for riding, climbing, attempting to ride or climb, walking, or traveling across certain railroad property;
- ▶ provides that a person is guilty of a third degree felony if the person willfully or maliciously obstructs, tampers with, removes, damages, or otherwise interferes with certain railroad property;
- ▶ provides that a person is guilty of a second degree felony if the willful or malicious obstruction, tamper, removal, damage, or interference results in the death of a person;
- ▶ provides that a person is guilty of a third degree felony for injuring certain railroad



property; and

- makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-802**, as renumbered and amended by Laws of Utah 2005, Chapter 2

**41-6a-1005**, as renumbered and amended by Laws of Utah 2005, Chapter 2

**56-1-18.5**, as last amended by Laws of Utah 1996, Chapter 122

ENACTS:

**56-1-18.7**, Utah Code Annotated 1953

**56-1-18.8**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **41-6a-802** is amended to read:

**41-6a-802. Turning around -- Where prohibited -- Visibility.**

The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:

- (1) unless the movement can be made safely and without interfering with other traffic;

[or]

(2) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction[-]; or

- (3) on a railroad crossing grade.

Section 2. Section **41-6a-1005** is amended to read:

**41-6a-1005. Passing closed railroad or bridge gate or barrier prohibited.**

(1) A pedestrian may not pass through, around, over, under, or remain on a crossing gate or barrier at a railroad crossing or bridge while the gate or barrier is closed or is being opened or closed.

59           (2) A pedestrian may not enter or remain within the area between a railroad track and a  
60 railroad sign or signal while the railroad sign or signal is active at the railroad train crossing.

61           Section 3. Section **56-1-18.5** is amended to read:

62           **56-1-18.5. Railroad property -- Duty of care.**

63           (1) A person may not ride or climb or attempt to ride or climb on, off, under, over, or  
64 across a railroad locomotive, car, or train.

65           (2) A person may not walk, ride, or travel across, along, or upon railroad yards, tracks,  
66 bridges, or active rights-of-way at any location other than public crossings.

67           (3) A person may not intentionally obstruct or interfere with train operations or use  
68 railroad property for recreational purposes.

69           (4) (a) Except as provided under Subsection (4)(b), an owner or operator of a railroad,  
70 including its officers, agents, and employees, owes no duty of care to keep railroad yards,  
71 tracks, bridges, or active rights-of-way safe for entry for any person violating this section.

72           (b) The owner or operator of a railroad may not intentionally, willfully, or maliciously  
73 injure a person if the owner or operator has actual knowledge of the person's presence on the  
74 property.

75           (5) This section does not apply to a railroad employee, business invitee, or other person  
76 with express written or oral authorization to enter upon railroad property by the owner or  
77 operator of the railroad.

78           (6) This section does not modify any rights or duties of federal, state, county, or  
79 municipal officials in the performance of their duties.

80           (7) A person who violates this section is guilty of a class B misdemeanor.

81           Section 4. Section **56-1-18.7** is enacted to read:

82           **56-1-18.7. Obstruction or interference with railroad.**

83           (1) A person may not willfully or maliciously:

84           (a) place any obstruction on any railroad track, roadbed, or streetcar track;

85           (b) loosen, tear up, remove, or misplace any rail, switch, frog, guardrail, cattle guard, or  
86 any part of a railroad track, roadbed, or streetcar track;

87           (c) tamper with or molest a road, roadbed, or track;

88           (d) destroy or damage any locomotive, motor, or car on a road, roadbed, or track; or

89           (e) otherwise interfere with the maintenance or operation of a road, roadbed, or track so

as to:

(i) endanger the safety of a train, car, motor, or engine; or

(ii) endanger or injure any passenger or person riding the train, car, motor, or engine, or any other person.

(2) A person who violates this section is guilty of a third degree felony.

(3) A person is guilty of a second degree felony if:

(a) the person violates Subsection (1); and

(b) the violation described in Subsection (3)(a) results in the death of a person.

Section 5. Section **56-1-18.8** is enacted to read:

**56-1-18.8. Injuring railroad property.**

(1) A person may not maliciously remove, displace, injure, or in any way interfere with, change, or destroy:

(a) any part of railroad property;

(b) any track of a railroad;

(c) any branch or branchway, switch, block or other signal or signaling device, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture; or

(d) any part attached to or connected with a railroad.

(2) A person who violates this section is guilty of a third degree felony.

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Legislative Review Note

as of 2-9-10 9:34 AM

Office of Legislative Research and General Counsel

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**H.B. 336 - Railroad and Railroad Crossing Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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